



**DEPARTMENT OF PERSONNEL**

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**MEMO PERD #08/04**

February 20, 2004

TO: Interested Parties  
FROM: Jeanne Greene, Director  
Department of Personnel  
SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

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Attached are the minutes from the December 19, 2003, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on March 19, 2004.

JG:cp

Attachment

**PERSONNEL COMMISSION  
MEETING MINUTES OF DECEMBER 19, 2003**

**MEMO PERD 08/04  
February 20, 2004**

**I. Call to Order**

Chairman Claudette Enus called the meeting to order at 8:06 a.m., December 19, 2003, at the Grant Sawyer Building, 555 E. Washington Avenue, Las Vegas, with video conferencing to the Legislative Building in Carson City. Members present: Chairman Claudette Enus and Commissioners David Read, David Sánchez, Jim Skaggs, and Katherine Fox. Also in attendance were James Spencer, Senior Deputy Attorney General, Jeanne Greene and Carol Thomas from the Department of Personnel

**II \*Adoption of Agenda**

Commissioner Skaggs' motion to adopt the agenda was seconded by Commissioner Fox and unanimously carried.

**III. \*Adoption of Minutes of the previous meeting**

The minutes of the September 19, 2003, meeting were unanimously approved.

**IV. \*Proposed Regulation Changes to the Nevada Administrative Code, Chapter 284**

A. Changes due to requests by interested parties, and proposals by the Department of Personnel.

*Sec. 1. 284.182 Adjustment of pay progression date; restoration of date of appointment and pay progression date*

*Sec. 5. 284.448 Time not counted toward completion of probationary period*

Shelley Blotter, Personnel Analyst, provided a brief overview of the proposed regulation changes for Section 1 of NAC 284.182 and Section 5 of NAC 284.448. Changes to these sections would provide clarification and consistency to agencies regarding the definition of "year" as it pertained to pay progression dates and time accounted for a probationary period.

Commissioner Read's motion to approve changes to Sections 1 and 5 was seconded by Commissioner Sánchez and unanimously carried.

*Sec. 2. 284.196 Merit pay increase: Credit for service under certain circumstances*

Ms. Blotter explained deletion of the first phrase in subsection 1 would provide “clean up” language.

Commissioner Sánchez’s motion to approve the change was seconded by Commissioner Fox and unanimously carried.

*Sec 3. 284.208 Compensation for dangerous duty*

This change was proposed by the University of Nevada - Las Vegas. It provides for dangerous duty pay for those employees performing maintenance or abatement on materials containing asbestos and lead paint.

Dr. Lawrence Tirri, Director of Environmental Health and Safety, University of Nevada – Las Vegas, stated that the proposed changes pertained to a number of workers who had undertaken 40 hours minimum training in asbestos and abatement work, and whose job duties did not include this as a regular assignment. He requested special pay for dangerous duty.

Commissioner Fox’s motion to approve Section 3 was seconded by Commissioner Skaggs and unanimously carried.

*Sec. 4. 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons*

Ms. Blotter explained the proposed changes.

Sub-section 1, paragraph F, clarifies and simplifies for readers, references to other Nevada Administrative Codes (NACs).

Sub-section 2 clarifies the existing practice. An appointing authority has the option of not considering an applicant who has interviewed three times.

Sub-section 3, proposed by the State of Nevada Employees Association (SNEA), requests notification be made in writing prior to interviews or selection if an employee has been removed from consideration due to a suspension, demotion, or termination within the previous 12 months. The change will provide adequate time for the employee to appeal.

Linda Covelli, Representative, SNEA Local 4041, explained the impetus behind the proposed change, stating such changes to Subsection 3 would provide a safeguard against employees being inappropriately removed from consideration and an outlet for an affected employee to challenge the decision. She indicated her awareness of a problem in State government regarding inconsistencies in the application of the regulation. She contended

the regulation, as currently worded, would not prevent agencies from removing employees before the interview process was completed.

Ms. Blotter clarified that an employee was not physically removed from the list, just removed from consideration.

Kareen Masters, Personnel Officer, Department of Human Resources, proposed bracketing out the language "may interview other candidates". Currently the proposed language made it cumbersome for agencies to comply and to be able to consider disciplinary actions when making their decision. She explained that State Records would need to be consulted in order to determine whether or not an employee had been suspended, demoted, or terminated before interviews were conducted. She believed her proposed change allowed the employee adequate notification prior to the appointing authority's selection.

Ruth Jones, Division of Employment, Training and Rehabilitation, agreed with Ms. Masters, stating the same goal could be accomplished by delaying the final candidate selection while affording the notice to the employees.

Sam Park, Senior Correctional Officer, Department of Corrections, conveyed that he had been affected by the regulation when he was denied a promotion and eliminated from a hiring list even though there was no disciplinary action against him. He believed the wording "may" to be completely subjective and could lead hiring authorities to circumvent having to interview the top five people.

Discussion ensued regarding possible revisions and solutions to the regulation's current verbiage. Jeanne Greene, Director, Department of Personnel, volunteered to research the facts concerning Mr. Parks' case and would report findings back to the Commission.

Commissioner Read's motion to postpone a decision until the end of the meeting was seconded by Commissioner Fox and unanimously carried.

*Sec. 6. 284.448 Training of supervisory and managerial employees*

The Department of Personnel recommended consolidating the two sections and repealing Section 11 of the regulation. The Personnel Task Force approved the concept. The following would be required of an appointed supervisor or manager:

- Training in the evaluation of performance of employees within the first 6 months subsequent to being appointed
- Training courses related to: EEO, interviewing and hiring, alcohol and drug testing, aggressive disciplinary procedures, and handling of grievances within the first 12 months
- Additional training to equal 40 hours

- Refresher training every subsequent 3-year period in two of the aforementioned topic areas as well as enough additional training to equal 40 hours within 3 years following appointment.

Ms. Blotter indicated training would be conducted by the Department of Personnel, agency trainers, or by contractors.

Commissioner Read's motion to approve Section 6 and repeal Section 11 was seconded by Commissioner Skaggs and unanimously carried.

*Sec. 7. 284.611 Separation for physical, mental or emotional disorder*

This amendment proposed by The Department of Employment, Training and Rehabilitation clarifies the role of that particular department in providing rehabilitation services.

Commissioner Skaggs' motion to approve the amendment was seconded by Commissioner Sánchez and carried unanimously.

*Sec. 8. 284.718 Confidential records*

Ms. Blotter indicated Subsection 5 would be added to ensure the confidentiality of information gathered during an investigation conducted by the Department of Personnel's Sexual Harassment Discrimination. The information gathered would be submitted to the requesting agency for appropriate action.

Commissioner Skaggs's motion to approve was seconded by Commissioner Sánchez and unanimously carried.

*Sec. 9. 284.730 Retention of records*

Proposed as "clean-up" language ensuring certain language complies with the statute referring to the Board of Examiners.

Commissioner Skaggs's motion to approve was seconded by Commissioner Fox and unanimously carried.

*Sec. 10. NEW Section 2 of LCB File No. R096-03 Determining seniority for the purposes of layoff*

This section clarifies the year for calculating years of service ensuring agencies utilize the same period of time, and allows the Personnel Commission to grant an exception to the method to calculate seniority. Ms. Blotter explained that when an exception was granted, as indicated in Subsection 5 of the regulation, the agency must use that method of calculation until it requests approval from the Personnel Commission to revert.

For purposes of retaining the staff with the most seniority, Ms. Masters requested an exception, as proposed by the Department, to be allowed to return to the method of calculating seniority for layoff that was in place prior to the last change.

Jim Spencer, Senior Deputy Attorney General, clarified that if the proposed regulation were to be approved, it would not be effective as law until it went through the LCB review process for filing with the Secretary of State. He recommended that if any action were to be undertaken regarding Ms. Masters' proposal, it be conditional upon the filing with the Secretary of State. The Commission could not make Ms. Masters' proposal effective prior to that time.

Commissioner Skaggs' motion to approve the proposed change was seconded by Commissioner Sánchez and unanimously carried.

**SECTION PROPOSED FOR REPEAL:**

Sec. 11 284.502 Training of managerial employees

Discussed and approved with Section 6.

B. Changes resulting from a comprehensive review of the Recruitment and Examinations, Lists of Eligible Persons and Certification, and Appointments sections

Sec. 1	284.0533	"Dating relationship" defined
Sec. 2	284.062	"Employee" defined
Sec. 3	284.076	"Permanent employee" defined
Sec. 4	284.088	"Promotion" defined
Sec. 5	284.093	"Reappointment" defined
Sec. 6	284.110	"Underfill" defined
Sec. 7	284.295	Determining type of recruitment
Sec. 8	284.297	Determining practicability of limiting consideration to persons eligible for promotion
Sec. 9	284.298	Competitive examinations
Sec. 10	284.300	Requirements for selection of assessor of center for assessment
Sec. 11	284.302	Investigations of applicants
Sec. 12	284.318	Limitation of competition in recruitment

B. Changes resulting from a comprehensive review of the Recruitment and Examinations, Lists of Eligible Persons and Certification, and Appointments sections (cont'd)

Sec. 13	284.322	Released time for examination
Sec. 14	284.326	Period for filing application
Sec. 15	284.330	Continuous recruitment
Sec. 16	284.334	Notice of recruitment
Sec. 17	284.338	Minimum passing scores; computation of final scores
Sec. 18	284.340	Retaking examinations
Sec. 19	284.342	Veterans' preferences
Sec. 20	284.346	Review of examination
Sec. 21	284.350	Correction of error in rating, scoring or computing results
Sec. 22	284.360	Methods of certification; priority of reemployment lists; willingness to accept employment
Sec. 23	284.364	Lists of persons with disabilities who are eligible for temporary limited appointments
Sec. 24	284.370	Integration of subsequent list; material change in required qualifications
Sec. 25	284.375	Appointing authority prohibited from appointing related persons under certain circumstances; exceptions
Sec. 26	284.378	Use of lists and consideration of eligible persons
Sec. 27	284.379	Use of promotional list after initial recruitment; combining open and promotional lists; establishment of list from open competitive list; use of list in which order changed
Sec. 28	284.380	Correction of error in certification
Sec. 29	284.382	Inquiry of availability
Sec. 30	284.383	Reports of appointments
Sec. 31	284.386	Separation without prejudice; reinstatement
Sec. 32	284.390	Transfers: Generally
Sec. 33	284.394	Appeal of involuntary transfer
Sec. 34	284.398	Transfers to classified service; certain transfers to unclassified service
Sec. 35	284.400	Acceptance of a new appointment notice to current appointing authority
Sec. 36	284.402	Voluntary demotions
Sec. 37	284.404	Reappointment
Sec. 38	284.406	Provisional appointments
Sec. 39	284.410	Emergency appointments
Sec. 40	284.434	Seasonal positions
Sec. 41	284.436	Intermittent positions
Sec. 42	284.437	Underfilling of positions
Sec. 43	284.589	Administrative leave with pay
Sec. 44	284.090	"Promotional appointee" defined

- B. Changes resulting from a comprehensive review of the Recruitment and Examinations, Lists of Eligible Persons and Certification, and Appointments sections (cont'd)

SECTIONS PROPOSED FOR REPEAL:

Sec. 45	284.296	Recruitment: Agency's responsibilities
	284.299	Examinations administered by center for assessment
	284.306	Age limits; proof of age
	284.310	Applications
	284.320	Employee responsible for applying for recruitment
	284.354	Consideration of examination of person with disability
	284.355	Effect of filing of grievance
	284.358	Types of lists
	284.362	Order of names on ranked list; ties
	284.363	Certification of list of unranked applicants or waiver of list
	284.384	Probationary and permanent appointments
	284.385	Reemployment
	284.443	Trial periods

Ms. Blotter explained the majority of the changes contained within these sections related to clarifying and simplifying existing language. The language proposed for Section 2 would be removed from the Commission's consideration. With regards to Section 12, she pointed that for the purposes of streamlining the application process, applications would be due no later than 5 p.m. on the final filing date. Pertaining to Paragraph B of Section 29, she proposed deleting the telegram as method of communication with a candidate and inserting the verbiage "electronic mail." Also proposed was the allowance of a voicemail or electronic message in Paragraph E.

Commissioner Skaggs' motion to approve the proposed changes as a whole was seconded by Commissioner Sánchez and unanimously carried.

- V. \* Exception Requested on Subsection 5 of LCB File No. R096-03  
*Department of Human Resources*

As presented earlier in the discussion. Mr. Spencer reiterated this exception request would not become effective until the regulation was filed with the Secretary of State.

Commissioner Skaggs' motion to conditionally approve Subsection 5 of LCB File No. R096-03 was seconded by Commissioner Sánchez and unanimously carried.



VI. \* Approval of Proposed Class Specification

Information System Manager Series

Mary Day, Supervisory Personnel Analyst, Department of Personnel, explained that the class specification for the Information Systems Manager series was originally written to describe only those positions within the Department of Information Technology. Over time, however, the series has been used to include positions in other departments and divisions. She described the duties involved and the functional areas. As a result of changes, the class specifications have been revised to reflect responsibility for those described functional areas. She related that a third level had been added to recognize positions with a broader scope and higher level of IT management responsibility. Positions at the newer level have direct authority for projects in excess of \$10 million. Projects involve the highest level of legal or financial risk and/or have significant impact on all or the majority of state government or citizens of the State. She recommended that the Information Systems Manager III class be established at grade 44 to align with the Data Processing Manager II as the new class was comparable and equitable in complexity and functions. Ms. Day also informed the Commission the establishment of this class would resolve a pending classification appeal.

There being no discussion, Commissioner Fox's motion to approve the changes to the class specification was seconded by Commissioner Skaggs and unanimously carried.

VII. \*Classification Appeal

Ron Cothran, former Custodial Supervisor I

*Jot Travis Student Union, University of Nevada, Reno*

Mr. Cothran indicated he had been employed at the Jot Travis Student Union. He stated discussions between he and his supervisors indicated full support in his request for an upgrade to Facility Supervisor I, and he had been directed to proceed with the NPD-19 process. He also stated that because there had been a situation in which there were allegations of criminal charges against him, which had been dismissed prior to his employment, the support for an upgrade had been withdrawn based on his supervisor's policy of not accepting applications that indicated past criminal charges.

In response to Chairman Enus' questions, Mr. Cothran replied he was initially hired as a Custodial Worker I at the University of Nevada, Reno and had fully disclosed all information pertaining to prior alleged charges against him. It had been conveyed to him that since those alleged charges had been dismissed, he no longer needed to disclose such information.

Tom Hale, Attorney representing Mr. Cothran, stated that the information concerned his juvenile record, which had been sealed. It had been brought to the attention of University

Personnel by an investigator as a misclassification of a felony. It was believed this influenced the reclassification decision. Continuing, he believed because material documents had been requested from the agency and were not provided, a "secret file" must exist with information on Mr. Cothran. He also alleged the false information had been disclosed to third party individuals, which Mr. Cothran felt influenced his employment with the State.

Robin Freestone, Supervisory Personnel Analyst, UCCSN, BCN, clarified the NPD-19 prepared by Mr. Cothran requested reclassification from Custodial Supervisor, grade 26, to Facility Supervisor I, grade 31. Mr. Cothran had based his proposal on responsibility for overseeing construction projects, supervising 24 trade workers, and maintaining and repairing the JTSU building. Ms. Freestone related the position was permanently assigned supervision of 1 part-time Custodial Worker, 1 Maintenance Repair Aid, 3 to 5 part-time student employees. She contended the employees Mr. Cothran claimed to supervise consisted of trade workers assigned to the UNR Buildings & Grounds crew and to external contractors. The employees listed in the NPD-19 were actually under the full supervision of other departments and had never been a part of Mr. Cothran's position. She continued describing the duties and concepts of the position and determined there had been no significant change to impact the classification. Further testimony concluded that the duties aligned with Custodial Supervisor I.

Mr. Hale requested to provide photos of examples of Cothran's work, which included a track lighting system and lighting of the JTSU sign. He felt the duties documented in Mr. Cothran's NPD-19 aligned with the duties of Facility Supervisor I. He summarized that without the prejudicial information concerning the prior felony of a juvenile, the reclassification request would have been granted.

Charles Price, Director, JTSU, denied stating that he did not accept applications which indicated a past history of criminal charges. With regards to Mr. Cothran's requested upgrade, Chairman Enus asked if there had been any discussions prior to the NPD-19 being submitted and if so, could Mr. Price recount those recollections. Mr. Price replied that Mr. Cothran wanted to proceed with the request for reclassification and he had advised him to begin with the NPD-19.

Commissioner Skaggs' motion to deny the appeal was seconded by Commissioner Fox and unanimously carried.

*Returning to Agenda Item IV. Sec. 4. 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons, in consideration of a proposed revision*

*Chairman Enus recalled individuals.*

Ruth Jones, Department of Employment, Training and Rehabilitation, concluded the following language would suffice for the department. To replace the language that had

been proposed, the verbiage “if an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee in writing prior to interviewing the next candidate on the list or making a selection. The employee shall have three working days to notify the appointing authority of any discrepancy”, was offered. All were in agreement with the proposed revision. Ms. Blotter clarified that if any changes were made subsequent to submitting the language to the Legislative Counsel Bureau, she would inform the presenting parties.

Commissioner Skaggs’ motion to approve the revised language was seconded by Commissioner Sánchez and unanimously carried.

VIII. \*Approval of Occupational Group Study Revised Class Specifications

*A. Engineering & Allied occupational group*

1. Engineering Support Services subgroup
  - a. Photogrammetrist/Cartographer series
  - b. Cartographic/Graphics Technician series
2. Construction & Land Use Services subgroup
  - a. Manager, Right-of-Way Engineering
  - b. Supervisor, Right-of-Way Engineering
  - c. Architectural Drafter series
  - d. Chief of Planning & Development
  - e. Park & Recreation Program Manager
  - f. Landscape Architect series
  - g. Construction Project Coordinator series
  - h. Project Manager series
  - i. Building Construction Inspector series
3. Equipment Design & Maintenance subgroup

In response to a question posed by Commissioner Sánchez, Ms. Day explained that both the Landscape Architect’s Assistant I and II were intended to allow for hiring of recent college graduates or an individual with substantial experience that would enable them to be licensed within a reasonable period of time. Once the license was acquired, the incumbent would be functioning as a Landscape Architect and would qualify for the higher grade level after 1 year.

Commissioner Skaggs’ motion to approve the occupational group as presented was seconded by Commissioner Sánchez and unanimously approved.

*B. Mechanical & Construction occupational group*

1. Equipment Operations subgroup
  - a. Special Equipment Operator series
  - b. Equipment Operation Instructor
  - c. Grounds Equipment Operator series
2. Equipment Management, Maintenance & Repair subgroup
  - a. Highway Equipment Mechanic Specialist
  - b. Equipment Mechanic-In-Training series
  - c. Auto Body Worker
  - d. Fleet Service Worker series

There being no discussion, Commissioner Fox's motion to approve the occupational group as presented was seconded by Commissioner Skaggs and unanimously carried.

**IX. Uncontested Classification Action Report**

No action required.

**X. Special Reports**

**Sexual Harassment and Discrimination Policy**

The Commission was presented with a report on the revision made to the Sexual Harassment and Discrimination Policy. Jeanne Greene, Director, Department of Personnel, indicated a copy of the policy had been provided to every State employee and that they would need to sign an acknowledgement form. Employees would be required to take a sexual harassment training course every 2 years. Ms. Greene explained that this policy also extended to members of the Personnel Commission

**XI. Comments by the General Public**

None.

**XII. Select Date for Next Meeting**

Meeting set for March 19, 2004, in Carson City.

Chairman Enus desired to recognize and congratulate Greg Febbo and Lenora Kizer, Department of Personnel employees, on their retirement. Ms. Greene introduced Mr. Febbo's successor, Mark Anastas, who would replace him as Regional Manager.

**XIII. \*Adjournment**

Chairman Enus adjourned the meeting at 10:12 a.m.